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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,993	07/21/2006	Gunther Oskar Eckert	W1.2227 PCT-US	9031
7590 Douglas R. Hanscom Jones, Tullar & Cooper P.O.Box 2266 Eads Station Arlington, VA 22202	08/20/2008		EXAMINER CHEN, YUAN L	
			ART UNIT 2854	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/586,993	ECKERT, GUNTHER OSKAR	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yuan L. Chen	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 June 2008.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 72-106 is/are pending in the application.  
 4a) Of the above claim(s) 73-75 and 77-106 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 72 and 76 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 July 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 7/21/2006.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 1/28/2004. It is noted, however, that applicant has not filed a certified copy of the foreign priority document as required by 35 U.S.C. 119(b).

### ***Election/Restrictions***

1. Applicant's election with traverse of Group 5 (Claims 72 and 76) in the reply filed on 6/27/2008 is acknowledged. The traversal is on the ground(s) that there is no correspondence between the pending claims and the claims acted on the International Search Report and there was no lack of unity issue raised in the PCT case. This is not found persuasive because the combination of D1 (Pub. No.: EP 1182035) and D3 (Patent No.: US 6253678), both from International Search Report, established lack of unity issue for the independent Claim 72 as shown in the following 103 rejection. This also shows that the basis on which the Examiner relies is evident.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "an image

application system" in page 3 line 4 of Claim 72 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities: "bya" in [029] line 11 should be changed to -by a--, and inFig.3" in [0036] line 7 should be changed to -in Fig. 3--.

Appropriate correction is required.

***Claim Objections***

4. Claim 72 is objected to because of the following informalities: “said forme” in the last paragraph line 7 should be changed to –said second forme--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 72 and 76 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the concept of forming the print image locations on the forme cylinders based on the elongation factors of the material to be printed, does not reasonably provide enablement of the structure required to carry out the invention. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

With respect to Claim 72, the structure of the recited “an image application system” is not provided in the specification so as to be clear exactly what structural arrangement is required and how it functions to form image locations on the forme cylinders as a function of the elongation factors of the material to be printed, as required by the first paragraph of 35 U.S.C. 112.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 72 and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusunoki (Pub. No.: EP 1182035) in view of Wentaworth (Patent No.: US 6253678).

With respect to Claim 72, Kusunoki discloses in Figs. 1 - 2 and [0028]: a printing press comprising:

a first printing group (P1 from the web direction as shown by the arrow) including a first forme cylinder (first PC) having a first forme cylinder axial direction (parallel to PC) and a first forme cylinder circumferential direction (arrow), and a first ink transfer cylinder (first BC) adapted to transfer a first portion of at least one common printed image ([0027] line 13) to a material (W) to be printed as the material (W) to be printed is passed through said first printing group (P1) in a production direction (arrow);

a second printing group (P2 in the web direction) including a second forme cylinder(second PC) having a second forme cylinder axial direction (parallel to PC) and a second forme cylinder circumferential direction (arrow), and a second ink transfer cylinder (second BC) adapted to transfer a second portion of said at least one common

printed image ([0027] line 13) to the material (W) to be printed as the material (W) to be printed is passed through said second printing group (P2) in said production direction (arrow), said second printing group (P2) being located after said first printing group (P1) in said production direction (arrow);

at least one first printing forme on said first forme cylinder (first PC) and having at least two first print image locations (printed by PC<sub>1</sub> and PC<sub>2</sub>), each of said at least two first print image locations (printed by PC<sub>1</sub> and PC<sub>2</sub>) being correlated with said at least one common printed image ([0027] line 13), each said at least two first print image locations (printed by PC<sub>1</sub> and PC<sub>2</sub>) having a first print image location length in said circumferential direction (arrow) of said first forme cylinder (first PC) and a first print image location width in said axial direction (parallel to PC) of said first forme cylinder (first PC);

at least one second printing forme on said second forme cylinder (second PC) and having at least two second print image locations (printed by PC<sub>1</sub> and PC<sub>2</sub>), each of said at least two second print image locations (printed by PC<sub>1</sub> and PC<sub>2</sub>) being correlated with said at least one common printed image ([0027] line 13), each said at least two second print image locations (printed by PC<sub>1</sub> and PC<sub>2</sub>) having a second print image location length in said circumferential direction (arrow) of said second forme cylinder(second PC) and a second print image location width in said axial direction (parallel to PC) of said second forme cylinder(second PC);

an image application system ([0050] lines 4 – 6) adapted to form said first and second print image locations (printed by PC<sub>1</sub> and PC<sub>2</sub>) on said first and second printing formes (on PC<sub>1</sub> and PC<sub>2</sub>) on said first and second forme cylinder (first and second PC).

Kusunoki discloses the adjustment of the axial and circumferential displacements for PC<sub>1</sub> and PC<sub>2</sub>, but does not teach the adjustment is carried out based on the elongation factors of the web.

However, Wentworth teaches in Figs. 1 – 3 and column 2 lines 36 - 52 and column 7 lines 14 - 17:

at least one of a longitudinal elongation (“growth of the substrate” in column 2 line 44) of the material (14) to be printed in said production direction (from left to right in Fig. 1) and a transverse elongation (“growth of the substrate” in column 2 line 44) of the material (14) to be printed transverse to said production direction, said longitudinal elongation having a longitudinal elongation factor (S<sub>i</sub> in column 5 lines 32 – 34), said transverse elongation having a transverse elongation factor (S<sub>i</sub> in column 5 lines 32 – 34), a spacing (“degree of misregistration” in column 4 lines 42) of said at least two first print image locations (column 4 lines 38 – 39) on said at least one first printing forme (17 in Fig. 2) on said first forme cylinder (in 16-1 of Fig. 1), and a spacing (“degree of misregistration” in column 4 lines 42) of said at least two second print image locations (column 4 lines 38 – 39) on said at least one second printing forme (17 in Fig. 2) on said second forme cylinder (in 16-2 of Fig. 1) being arranged (column 6 lines 26 -28) by said image application system (12) on said first and second printing formes (17 in Fig. 2) as

a function (formula (4) in column 6 line 1) of at least one of said longitudinal elongation factor ( $S_i$ ) and said transverse elongation factor ( $S_i$ ).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify Kusunoki's print press with two printing forme cylinders printing at least two image locations by using Wentworth's image application system to arrange the spacing of the two image locations using the elongation factors for the purpose of easily and quickly reducing misregistration due to the elongation of the web to increase the quality of the printing.

This modification/combination meets all the limitations of Claim 72.

With respect to Claim 76, the modification/combination meets the limitations of Claim 76 (column 5 line 15 formula (1)): the printing press of claim 72 wherein one of said print image location length (column 7 lines 14 – 17) and said print image location width of at least one of said two first and second print image locations is increased (due to the growth of the web) by one of said longitudinal elongation factors ( $S_i$ ) and said transverse elongation factors ( $S_i$ ).

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuan L. Chen whose telephone number is 571-270-3799. The examiner can normally be reached on Monday-Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

yc

/Ren L Yan/  
Primary Examiner, Art Unit 2854